

AMENDED IN ASSEMBLY JUNE 11, 2008  
AMENDED IN SENATE JANUARY 24, 2008  
AMENDED IN SENATE JANUARY 14, 2008  
AMENDED IN SENATE AUGUST 20, 2007  
AMENDED IN SENATE APRIL 18, 2007  
AMENDED IN SENATE MARCH 29, 2007

**SENATE BILL**

**No. 107**

---

**Introduced by Senator Alquist**

January 18, 2007

---

An act to add Article 2.7 (commencing with Section 115950) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to wave pools.

LEGISLATIVE COUNSEL'S DIGEST

SB 107, as amended, Alquist. Wave pools.

Existing law regulates safe recreational water use, including, but not limited to, the recreational use of reservoirs, public beaches, and swimming pools. The Swimming Pool Safety Act establishes certain safety standards requiring swimming pool enclosures, safety pool covers, or exit alarms, as defined, or certain other means of protection.

This bill would enact the Wave Pool Safety Act and require a wave pool operator to comply with several specified safety requirements, including, but not limited to, providing a United States Coast Guard-approved ~~life vest~~ *Type II or Type III lifevest* that is free and available for use by any nonswimmer, as defined, any child under 48 inches in height, or any other patron at the request of the patron, as

specified. The bill would require children under 48 inches in height, regardless of whether the child is accompanied by an adult, to wear a *properly fitting* United States Coast Guard-approved ~~life vest~~ *Type II or Type III lifevest* to gain access to a wave pool. The bill would further require ~~a specified~~ *an audible signal to be used sound within 15 seconds* immediately ~~before~~ *prior to resuming* the breaking wave action ~~resumes~~, in order to warn patrons, as defined, of impending waves. The bill would require the wave pool operator to deny entrance into the park, or require the removal from the park, of a person or child under specified circumstances. The bill would also require signs indicating these requirements to appear at the ticket booth or entrance gate to the park or other facility where the wave pool is located. The bill would require lifeguards to be assigned to guard a wave pool, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The purpose of the Wave Pool Safety Act is to help safeguard
- 4 wave pool users who are most at risk.
- 5 (b) The provisions of this act should not be interpreted to
- 6 diminish the role of parents or adults charged with supervising
- 7 children in wave pools. Parents and adults who supervise children
- 8 need to be educated about the potential dangers and inherent risks
- 9 for children and nonswimmers using wave pools. Working in
- 10 tandem with lifeguards on duty, parents and adults supervising
- 11 children need to remain alert while children are in the water.
- 12 (c) The Legislature encourages the aquatic industry to release
- 13 public service announcements regarding the provisions of this act
- 14 and educate the public as to the dangers for children and
- 15 nonswimmers using, and the safety requirements of, wave pools.
- 16 SEC. 2. Article 2.7 (commencing with Section 115950) is
- 17 added to Chapter 5 of Part 10 of Division 104 of the Health and
- 18 Safety Code, to read:

Article 2.7. Wave Pool Safety Act

115950. This article shall be known and may be cited as the Wave Pool Safety Act.

115951. For purposes of this article, the following definitions shall apply:

(a) “Nonswimmer” means a person who is a weak *or inexperienced* swimmer or a person who cannot swim.

(b) “Patron” means a swimmer or nonswimmer using a wave pool.

(c) “Rest period” means a period of time that the wave generating equipment for the wave pool is not producing breaking waves.

(d) “Wave pool” means a swimming pool designed for the purpose of producing breaking wave action in the water *and that is not primarily designed for standup surfing or bodyboarding*.

115952. On and after January 1, 2009, a wave pool in this state shall comply with all of the following:

(a) (1) A wave pool operator shall provide a United States Coast Guard-approved ~~life vest~~ *Type II or Type III lifevest* that is free and available for use by a nonswimmer or a child under 48 inches in height. A wave pool operator shall also provide a United States Coast Guard-approved ~~life vest~~ *Type II or Type III lifevest* that is free and available for use to any other patron at the request of the patron.

(2) Notwithstanding paragraph (1), a patron, including a nonswimmer and child, may use his or her own ~~life vest if that life vest~~ *lifevest if that lifevest* is a United States Coast Guard-approved *Type II or Type III lifevest*.

(b) (1) Children under 48 inches in height, regardless of whether the child is accompanied by an adult, shall wear a *properly fitting* United States Coast Guard-approved ~~life vest~~ *Type II or Type III lifevest* to gain access to a wave pool.

(2) A child under 42 inches in height shall be accompanied by an adult in order to gain entry into the park. A wave pool operator shall deny entrance into the park of a child under 42 inches in height if that child is not accompanied by an adult.

(3) Any person or child who refuses to comply with paragraph (2) of subdivision (a) or paragraph (1) of this subdivision shall be removed from the park by the wave pool operator.

1 (c) In all cases where wave action is suspended for any reason,  
2 an audible signal shall be used prior to resuming wave action to  
3 warn patrons of impending waves. That audible signal *may be of*  
4 *any duration, but shall sound for at least within* 15 seconds  
5 immediately ~~before~~ *prior to resuming* the breaking wave action  
6 resumes.

7 (d) (1) Lifeguards shall be assigned to guard a wave pool.

8 (2) The wave pool operator shall ensure that there are a sufficient  
9 number of lifeguards on duty to ~~adhere to the 10/20 protection~~  
10 ~~standard of scanning and response.~~ *recognize, respond, and provide*  
11 *care to swimmers in distress or passive or active drowning persons*  
12 *within, but no longer than, 30 seconds of the onset of their peril.*

13 (3) A lifeguard subject to this subdivision shall have an  
14 unobstructed view of, and be able to completely observe, in its  
15 entirety, his or her defined zone of protection in the wave pool.

16 (4) A wave pool operator shall ensure that conditions in a wave  
17 pool are continually reevaluated for safety and shall adjust lifeguard  
18 staffing accordingly.

19 ~~(5) For the purposes of this section, the “10/20 protection~~  
20 ~~standard of scanning and response” means that each lifeguard shall~~  
21 ~~be responsible for an individually defined zone of protection that~~  
22 ~~is designed so that the lifeguard may identify a distressed guest in~~  
23 ~~a wave pool in 10 seconds and may provide care to the distressed~~  
24 ~~guest within 20 seconds of that identification.~~

25 (e) An emergency stop for the wave equipment shall be easily  
26 accessible to the lifeguards and other pool officials, as required  
27 by the ~~California~~ Division of Occupational Safety and Health.

28 (f) A wave pool operator shall ensure that the wave pool has  
29 regular periods without breaking waves being produced; to  
30 accomplish this, the wave pool operator shall ensure that  
31 continuous breaking wave cycles in a wave pool shall not exceed  
32 15 minutes.

33 (g) Signs indicating the requirements described in subdivisions  
34 (a) to (c), inclusive, shall appear at the ticket booth or entrance  
35 gate to the park or other facility where the wave pool is located.